

United States District Court
Central District of California

JESUS VARGAS.

Plaintiff,

v.

THE BOEING COMPANY et al.,

Defendants.

Case № 2:25-cv-04288-ODW (PVCx)

**ORDER DENYING MOTION TO
DISMISS AS MOOT [11]**

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1 On May 19, 2025, Defendant The Boeing Company served Plaintiff Jesus
2 Vargas with a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss in this case.
3 (ECF No. 11.) On May 20, 2025, Plaintiff filed a First Amended Complaint, less than
4 twenty-one days after The Boeing Company filed its responsive submission. (ECF
5 No. 13.) Federal Rule of Civil Procedure 15(a)(1) allows plaintiffs to file an amended
6 complaint once as a matter of course within twenty-one days of service with a
7 Rule 12(b) motion. Therefore, Plaintiff's amended complaint was proper. As the
8 pending motion to dismiss was based on a complaint that is no longer operative, the
9 motion is **DENIED** as **MOOT**, (ECF No. 11), and the Court's Order to Show Cause
10 is **DISCHARGED**, (ECF No. 12). *See Ramirez v. Cty. of San Bernardino*, 806 F.3d
11 1002, 1008 (9th Cir. 2015).

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13 **IT IS SO ORDERED.**

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15 May 21, 2025

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18 **OTIS D. WRIGHT, II**
19 **UNITED STATES DISTRICT JUDGE**
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